

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 150 Leg.]

#### YEAS—38

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Edwards	Mikulski
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham	Reed
Breaux	Harkin	Reid
Byrd	Inouye	Rockefeller
Clinton	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Corzine	Kennedy	Stabenow
Daschle	Kerry	Torricelli
Dayton	Kohl	Wellstone
Dodd	Leahy	

#### NAYS—60

Allard	Enzi	Miller
Allen	Feingold	Murkowski
Baucus	Fitzgerald	Murray
Bennett	Frist	Nelson (NE)
Bond	Gramm	Nickles
Brownback	Grassley	Roberts
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cantwell	Hollings	Smith (NH)
Carnahan	Hutchinson	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inhofe	Specter
Cleland	Kyl	Stevens
Cochran	Landrieu	Thomas
Collins	Lincoln	Thompson
Craig	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	Wyden

#### NOT VOTING—2

Crapo Helms

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the previous agreement for 5 minutes to explain the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator CONRAD be recognized to make a point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Mr. GRAMM. I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The majority leader.

Mr. DASCHLE. Mr. President, I announce to my colleagues this is the last vote of the day.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 151 Leg.]

#### YEAS—54

Allard	Fitzgerald	Nelson (FL)
Allen	Frist	Nelson (NE)
Baucus	Gramm	Nickles
Bayh	Grassley	Roberts
Bennett	Gregg	Santorum
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cleland	Kyl	Specter
Cochran	Landrieu	Stevens
Collins	Lincoln	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McConnell	Voinovich
Ensign	Miller	Warner
Enzi	Murkowski	Wyden

#### NAYS—44

Akaka	Dodd	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lieberman
Boxer	Edwards	McCain
Breaux	Feingold	Mikulski
Byrd	Feinstein	Murray
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Johnson	Stabenow
Corzine	Kennedy	Torricelli
Daschle	Kerry	Wellstone
Dayton	Kohl	

#### NOT VOTING—2

Crapo Helms

The PRESIDING OFFICER. On this question, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

#### MEASURE RETURNED TO THE CALENDAR—H.R. 8

The PRESIDING OFFICER. Under the previous order, H.R. 8 is returned to the calendar.

Mr. WELLSTONE. Mr. President, today I opposed full repeal of the estate tax, but I supported a commonsense compromise to cap the estate tax ex-

emption at a reasonable level for all families, and eliminate the tax completely for family farmers and small business owners.

Full repeal of the estate tax is hugely expensive, it will cost nearly a trillion dollars over the next 20 years, it is grossly unfair because it benefits only the tiny number of Americans who pay the estate tax under current law. In fact, in 1999 only 636 Minnesotans paid any estate tax what so ever. Only 36 of those estates were valued at \$5 million or more. This is simply not a burden that falls on many families.

In contrast, many rely on Social Security. Over 740,000 Minnesotans currently receive Social Security. The vast majority of these are retired seniors, others are severely disabled. For many it is their only source of income. I find it outrageous that colleagues are proposing to use the Social Security surplus, which nearly a million Minnesotans rely upon, to give a massive tax break to the heirs of a handful of Americans.

Nationally, only 1.6 percent of all estates were made up with significant small business assets, and only 1.4 percent had significant farm assets. This means that virtually all the estate tax is paid by extremely wealthy people who do not own farms or small businesses. It also means that we could eliminate the estate tax for small businesses and farms and not engage in a massive raid on the Treasury.

Proponents of last year's massive tax cut portrayed the legislation as completely protecting small businesses and family farms from the estate tax. But as a cost saving gimmick, the law only does so for only one year.

Business owners were used as pawns last year, and they are again this year. Now they are frustrated trying to plan for their families' futures around this scheme and they shouldn't have to be.

I supported a commonsense compromise that would have capped the estate exemption at a reasonable level, \$8 million for a married couple, lifting the burden of the estate tax from 98 percent of estates, but maintaining the tax for large, wealthy estates.

In addition, the Dorgan amendment would have totally exempted family-owned small business and farm assets from the estate tax if the family of the current owner wishes to continue to operate the business or farm. Because this relief would have been permanent, business owners can plan their affairs with confidence and security. And this complete repeal for businesses and farms would be effective next year, unlike the republican proposal where family business owners would have to wait until 2010.

In an ideal world I would have written the Dorgan amendment differently. I would strengthen the family-owned business provision to ensure than only smaller business and farms, with 200 employees or less would qualify for this exemption. But I voted for the Dorgan

amendment because it is still far better than full repeal. It retains the estate tax for the ultra-rich, but would protect small business owners and family farmers. And it would save hundreds of billions over the next 20 years compared to full repeal.

Let me also point out one final irony in this debate. I mentioned yesterday the bizarreness of colleagues voting against raising the debt limit, and then in the same day turning around and supporting a bill that would raise the national debt by hundreds of thousands more.

Today's irony is that this is supposed to be a debate about small businesses, but my friends on the other side are opposing the Dorgan amendment that gives permanent relief from the estate tax from small businesses and family farmers right now—compared to 7 years from now under the Gramm approach. Let me repeat that, my colleagues on the other side say they are for the small business owner. They say they are for the family farmer. Yet they are opposing immediate relief for small business owners and farmers. Why? To protect their tax breaks for billionaires.

Small businesses and farmers are the pawns in this debate. They have literally been used by those who want to give billionaires a tax break. I don't know if there is a single person in this body who would oppose giving permanent, targeted estate tax relief to small business owners and family farmers. I think it could pass 100 to 0. But it didn't because if the supporters of full repeal let the small business owner get relief then they lose this issue. And they won't get repeal for billionaires. And they would rather have the issue to campaign on, and they aren't going to let the little guy on Main Street get his tax break unless they can get it for the fat cat on Wall Street.

The Dorgan amendment should be an eye opener for small business owners and farmers. It betrays the real agenda behind full repeal of the estate tax. It's not about the little guy. It is not about the shopkeeper, the farmer, the contractor, the wholesaler. They are the hostages in this debate.

I will not jeopardize Social Security—which tens of millions of Americans rely upon for their retirement—to grant tax breaks to the heirs of multimillionaires and billionaires.

We cannot afford to give a few lucky Americans a tax free inheritance of hundreds of millions or billions of dollars and protect the tens of millions of Americans and over 740,000 Minnesotans who rely on Social Security.

But we can afford to shield small estates, small businesses, and family farms from the estate tax at the same time we safeguard the retirement security of all Minnesotans. That is what I voted to do.

#### UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that on Friday, June 14,

the Senate proceed concurrently, at a time to be determined by the majority leader after consultation with the Republican leader, to two bills relating to cloning, a bill to be introduced by Senators HATCH, FEINSTEIN, SPECTER, and others, and a bill to be introduced by Senator BROWNBACK. I further ask that Senator BROWNBACK or his designee be recognized to immediately offer a cloture motion on his bill, to be followed by Senator HATCH or his designee offering a cloture motion on his bill. I further ask unanimous consent that no amendments or motions to commit be in order to either bill and there be the following limitations for debate with respect to both bills: 3 hours equally divided between the two sponsors or their designees on Friday; 4 hours equally divided in the same fashion on Monday, June 17; 1 hour equally divided in the same fashion on Tuesday, June 18; that following the use or yielding back of time, on Tuesday, the Senate proceed to vote on the cloture motion on Senator BROWNBACK's bill and, notwithstanding the outcome of that vote, to be followed by an immediate cloture vote on Senator HATCH's bill; further, if cloture is invoked on either bill, the Senate then resume consideration under the provisions of rule XXII. Finally, I ask unanimous consent that, if cloture is not invoked on either bill, then each bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection? The Senator from Kansas.

Mr. BROWNBACK. Mr. President, reserving the right to object, I appreciate my colleague from Nevada bringing this forward. I hope we can work out a reasonable and prudent way to address what I consider to be a critical issue—many people consider to be a critical issue in front of the country. I say we still may be able to get to an agreement that would get ample time and opportunity for the Senate to speak on this timely legislation.

I therefore ask unanimous consent for the following modifications to this pending request. I ask unanimous consent that on Friday, June 14, the Senate proceed to the bill just mentioned, introduced by Senator KENNEDY, Senator HATCH, and others, and that Senator LANDRIEU, myself, and Senator HUTCHISON be permitted to offer up to four relevant amendments to the bill; further, I ask unanimous consent that these amendments be in order notwithstanding the provisions of rule XXII, and that no other amendments be in order to the bill.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. I do not.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Then I am afraid I must object and I do object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. REID. Mr. President, I am, of course, disappointed. Many people

worked long and hard to come up with this agreement. Senator DASCHLE, I believe, has fulfilled his commitment. As I understand it, the only dispute is to when the respective votes should occur, and I submit that shouldn't matter that much, but that is the unanimous consent agreement that was propounded. Senator DASCHLE has worked with others long and hard. Maybe later we can work something else out. At the present time, I think Senator DASCHLE has fulfilled his commitment.

#### UNANIMOUS CONSENT AGREEMENT—S. 2600

Mr. REID. I ask unanimous consent that at 10 a.m. tomorrow the Senate proceed to the consideration of Calendar No. 410, S. 2600, the terrorism insurance bill.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Reserving the right to object, I ultimately will not object, but I want to propose that the unanimous consent request be amended to read as follows: I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 252, H.R. 3210, and it be considered under the following limitations, the only amendments in order be the following: A substitute amendment by Senator GRAMM and myself, the text of which will be printed in the RECORD upon the granting of the consent; three relevant first-degree amendments to the substitute to be offered by each leader or their designees, and that no motions to recommit be in order; I further ask unanimous consent that, following a vote on or in relation to the above-listed first-degree amendments and any debate time, there be a vote on or in relation to the substitute amendment; finally, I ask unanimous consent that when and if the bill is passed, the Senate then insist on its amendment and request a conference with the House on the disagreeing votes.

Mr. REID. Mr. President, it is my understanding—

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Mr. President, reserving the right to respond to the Chair, I would simply say this: We have been through this now for months. I have been down here on a number of occasions, trying to get something that we believe will expedite this very important legislation. We have tried one amendment on each side, two amendments on each side, three amendments on each side. I think we finally got to five amendments on each side. I think the best thing to do is just get to the bill. It is an important piece of legislation and if it is as important as the major industries believe it is, we are